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H. THOMAS MORAN, II, Court-Appointed
Receiver of LYDIA CAPITAL, LLC

UNITED STATES DISTRICT COURT OF CALIFORNIA
SOUTHERN DIVISION

AXA EQUITABLE LIFE INSURANCE
COMPANY,

Plaintiff,

v.

H. THOMAS MORAN, II, Court-
Appointed Receiver of LYDIA CAPITAL,
LLC, and DAWSON & OZANNE, as
Trustee of the Alvin Fischbach Irrevocable
Trust,

Defendants.

Case No. 3:08-cv-00569-BTM (BLM)

**JOINT MOTION FOR EXTENSION OF
TIME FOR DEFENDANTS H.
THOMAS MORAN, II, AND DAWSON
& OZANNE TO ANSWER OR
OTHERWISE RESPOND TO
PLAINTIFF AXA EQUITABLE LIFE
INSURANCE COMPANY'S
COMPLAINT**

Plaintiff AXA Equitable Life Insurance Company ("AXA Equitable") and
Defendants H. Thomas Moran, II, Court-Appointed Receiver of Lydia Capital, LLC
("Mr. Moran") and Dawson & Ozanne hereby submit this Joint Motion for Extension of
Time for Defendants Mr. Moran and Dawson & Ozanne to Answer or Otherwise
Respond to Plaintiff's Complaint, and in support thereof, aver as follow:

1. On March 26, 2008, AXA Equitable filed its Complaint in this action.
2. On March 26, 2008, counsel for Mr. Moran signed a Waiver of Service of
Summons and agreed to answer or otherwise respond to AXA Equitable's

1 Complaint by May 26, 2008. On April 30, 2008, counsel for Dawson & Ozanne
2 signed a Waiver of Service of Summons and agreed to answer or otherwise
3 respond to AXA Equitable's Complaint by May 27, 2008.

4 3. On May 1, 2008, counsel for Defendant Mr. Moran, provided counsel for AXA
5 Equitable with information in his possession relating to the underlying claims.

6 4. On May 9, 2008, counsel for AXA Equitable provided counsel for Mr. Moran with
7 information in its possession relating to the underlying claims.

8 5. Based on information exchanged by AXA Equitable and Defendants, AXA
9 Equitable intends to amend its Complaint.

10 6. In addition, the parties are convening a settlement conference which may lead to a
11 resolution of the issues presented in the litigation. The conference was originally
12 scheduled for early August but had to be moved due to a scheduling conflict. The
13 settlement conference is now scheduled for September 4, 2008.

14 7. In this light, and in order to allow the parties additional time to evaluate and
15 discuss the underlying claims at issue, AXA Equitable, Mr. Moran, and Dawson &
16 Ozanne respectfully move this Court for an extension until September 12, 2008 for
17 Mr. Moran and Dawson & Ozanne to answer or otherwise respond to AXA
18 Equitable's Complaint.

19 8. AXA Equitable, Mr. Moran and Dawson & Ozanne have previously requested,
20 and the Court has granted, extensions for the defendants to answer or otherwise
21 respond to AXA Equitable's Complaint.

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1 WHEREFORE, AXA Equitable Life Insurance Company, Mr. Moran, and
2 Dawson & Ozanne respectfully request that the Court grant this Joint Motion for an
3 extension until September 12, 2008 for Defendants Mr. Moran and Dawson & Ozanne to
4 answer or otherwise respond to Plaintiff's Complaint.

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6 Dated: August 28, 2008

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24 H. THOMAS MORAN II, Court-
25 Appointed Receiver for Lydia Capital, LLC

26 I, Shannon Emmons, am the ECF User whose identification and password are being used
27 to file this Joint Motion for Extension of Time. In compliance with Electronic Case
28 Filing Administrative Policies and Procedures Manual Section 2, f. 4., I hereby attest that
S. Fey Epling and James A. Tabb have concurred in this filing.

August 28, 2008

23 s/ Shannon K. Emmons
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